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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,055	12/22/2004	Wilhelmus Verhaegh	NL 020616	6800
24737	7590	04/13/2007		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			CARTER III, ROBERT E	
BRIARCLIFF MANOR, NY 10510				
			ART UNIT	PAPER NUMBER
			2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/519,055

Applicant(s)

VERHAEGH, WILHELMUS

Examiner

Robert E. Carter

Art Unit

2609

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/22/2004, 09/12/2005.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The proper format for claiming a computer program is as follows: A computer readable medium with instructions that are executed on a computer.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 recites the limitation "said other fingers" in line 2. There is insufficient antecedent basis for this limitation in the claim because claim 1, upon which claim 12 depends, does not contain any instance of the word fingers.

Art Unit: 2609

4. Claim 14 recites the limitation "said key correction means" in line 2. There is insufficient antecedent basis for this limitation in the claim because claim 12, upon which claim 14 depends, does not contain any instance of a key correction means.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatakeyama et al. (Japanese publication # 09-330175).

As for claims 1, 3, 5, 6, 13, 14, 15, and 16,

Hatakeyama et al. teaches:

A method and data processing device enabling a user to input characters (Detailed Description, Paragraph [0007]), comprising a touch-sensitive member arranged to function as a virtual keyboard (Detailed Description, Paragraph [0008], lines 1-5, Paragraph [0013]), said member including at least one touch sensor for detecting

touched zones on said member (Detailed Description, Paragraph [0008], lines 6-9), and a key allocation means for allocating at least two reference keys of the virtual keyboard to respective zones on said member in response to said detection of touched zones (Detailed Description, Paragraphs [0082]-[0083]), wherein the at least one touch sensor is further arranged to determine a parameter of a respective one of the touched zones, said key allocation means being arranged to allocate the reference keys having a size and/or form on said touch-sensitive member depending on said parameter of the respective detected zone (Detailed Description, Paragraphs [0085]-[0088]), wherein said key allocation means is arranged to allocate four or eight reference keys upon detecting four fingers of the user's left hand and/or four fingers of the user's right hand touching the touch-sensitive member (Detailed Description, Paragraphs [0080]-[0081]), wherein said virtual keyboard has a QWERTY-type layout (Detailed Description, Paragraph [0080], lines 5-6), wherein said touch-sensitive member further comprises display means arranged to display a representation of at least one reference key and/or other key of the virtual keyboard (Detailed Description, Paragraph [0081], lines 2-3, Fig. 20), and a key correction means for correcting a location of at least one reference key by repeatedly allocating at least one reference key, wherein said key correction means functions upon detecting a substantial change of position of at least one of said other fingers (Detailed Description, Paragraph [0083], lines 5-6, Paragraph [0088]).

As for claims 2, 4, 7, 8, and 17,

Hatakeyama et al. teaches all of the limitations of claim 1, and further teaches:

The method of and device wherein said key allocation means is further arranged to allocate on the touch-sensitive member other keys of the virtual keyboard upon allocating said reference keys (Detailed Description, Paragraph [0081]), wherein said key allocation means is arranged to allocate said other keys having a size and/or form on said touch-sensitive member depending on said parameter of the respective detected zone, or said size and/or form of the allocated reference keys (Detailed Description, Paragraphs [0085]-[0088]), wherein the virtual keyboard has at least two groups of keys, each group of keys including at least one reference key being allocated to said detected zones by said key allocation means, and other keys of the group of keys being allocated upon allocating at least one reference key of said group of keys (Detailed Description, Paragraph [0080]), wherein said groups of keys may have a different orientation on the touch-sensitive member when the keys of said groups are allocated (Detailed Description, Paragraph [0083]).

As for claims 9, 10, 11, 12, and 18,

Hatakeyama et al. teaches all of the limitations of claim 1, and further teaches:

The method of and device for at least one pressure sensor for sensing a force of at least one finger on the touch-sensitive member (Detailed Description, Paragraph [0008], lines 6-9), wherein the at least one pressure sensor is arranged to identify a finger causing a force on the touch-sensitive member higher than other fingers when more

Art Unit: 2609

than one finger touches said member (Detailed Description, Paragraph [0008], lines 28-32), and a key stroke recognition means arranged to recognize a key stroke by analyzing a relative position of the zone touched with the higher force with respect to a position of at least one other zone touched with a lower force (Detailed Description, Paragraph [0008], lines 10-17), wherein said zones touched by said other fingers correspond to said reference keys (Detailed Description, Paragraph [0081]).

As for claim 19,

Hatakeyama et al. teaches all of the limitations of claim 1, and further teaches:

A computer program product enabling a programmable device, when executing said computer program product, to function as the device as defined in claim 1 (Detailed Description, Paragraph [0001], line 3).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Shetter (US Patent # 6,882,337) discloses a virtual keyboard with audio feedback.

Art Unit: 2609

Tang (US Patent # 6,525,717) discloses a virtual keyboard with acoustical sensors and visual feedback.

Kamper et al. (US Patent # 6,414,674) discloses a data processing system with a virtual keyboard and dynamically alterable location indicators.

Ericsson (US Patent # 6,130,665) discloses a virtual keyboard.

Carroll et al. (US Patent # 6,121,960) discloses a virtual keyboard.

Korth (US Patent # 5,767,842) discloses an optical virtual keyboard that senses starting position.

Ouellette et al. (US Patent # 5,581,243) discloses a virtual keyboard.

Bates et al. (US Patent # 5,565,894) discloses a virtual keyboard and dynamic button adjustment.

Hoffman (US Patent # 5,010,323) discloses a randomly positional virtual keyboard.

Day et al. (US Patent # 4,763,365) discloses a virtual keyboard.

Auer et al. (US Patent # 4,725,694) discloses a virtual keyboard.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert E. Carter whose telephone number is 571-270-3006. The examiner can normally be reached on M-F.

Art Unit: 2609

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

REC


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